



## **Division Guideline #7**

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**Title:** Out of State Referrals for Nursing Facility Placement

**Application:** Missouri Nursing Facilities Licensed Under 19 CSR 30-85

**Purpose:** To establish a review process for out of state referrals for nursing facility placement when the Department of Mental Health (DMH) receives a referral for a level two evaluation from the Department of Health and Senior Services, Central Office Medical Review Unit (COMRU). This policy is guided by the philosophy and best practice that individuals have better outcomes when they receive treatment and services close to their homes and/or communities in order to maintain support and on-going family and community connections.

(1) Definitions:

- (a) Case Review Committee (Committee): The DMH group responsible for reviewing and approving or denying all out of state referrals for nursing facility placement when DMH receives a referral for a level two evaluation from the COMRU. The Committee shall consist of at least one (1) representative from the Division of Developmental Disabilities, one (1) representative from the Division of Comprehensive Psychiatric Services, and one (1) representative from the Federal Programs Unit.
- (b) Family: An individual's parents, spouse, children, and siblings. On a case by case basis, other familial relationships may be considered if determined appropriate by the Committee.

- (c) Domicile: An individual's permanent home or where s/he intends to return even though s/he may reside elsewhere. Domicile is determined in accordance with 9 CSR 10-31.016.
  - (d) Guardian: The person with the legal authority to act on behalf of an individual.
  - (e) Residence: The place where a person lives or has a home. A person may have more than one residence.
  - (f) Sending State: The state where the individual is currently domiciled or resides.
- (2) It is the policy of DMH to not complete a level two evaluation for individuals for whom an out of state referral for nursing facility placement has been received from COMRU unless DMH determines that the individual has a sufficient connection to the state of Missouri or if the sending state has given DMH advance notification and received prior written approval from DMH to evaluate the individual for nursing facility placement.
  - (3) In order to have a sufficient connection to the state of Missouri, the individual must meet at least one (1) of the following criteria:
    - (a) Missouri is the individual's state of domicile;
    - (b) The individual has resided in Missouri in the last twelve (12) months at a fixed address, not including a skilled care facility or hospital;
    - (c) The individual's family or guardian is domiciled in Missouri;
    - (d) The individual's family or guardian is moving their domicile to Missouri; or
    - (e) The individual has an extenuating circumstance (e.g. homeless transient found in Missouri), as determined by the Committee.
  - (4) When DMH receives a referral for a level two evaluation from COMRU, the referral will first be reviewed by designated staff from the Federal Programs unit, who will gather information regarding whether the individual has a sufficient connection to the state of Missouri or if the sending state has given DMH advance notification and if DMH has received the following from the sending state:
    - (a) The sending state shall furnish DMH all with available medical and other pertinent records concerning the individual, including the sending state's level two evaluation determination, what treatment and placement has been tried in that state, why it was unsuccessful and/or not a viable option and what complicating factors and /or circumstances call for nursing facility placement in another state. This information is in addition to the DA 124 forms that are received from COMRU for a level two referral.
    - (b) The sending state must give a qualified clinical authority, as designated by DMH, the opportunity to examine the individual if DMH desires to do so. DMH will not reimburse the sending state for the examination.
    - (c) There must be an interstate compact agreement in place prior to approval if the individual has a history of psychiatric disorder. The agreement must state that the individual will return to the sending state and facility of origin if long term hospitalization and/or habilitation center placement should become necessary.

- (5) Once all the necessary information is gathered, as set forth in section (4), the designated staff from the Federal Programs Unit will forward the referral and documentation to the Committee for a decision.
- (6) If the out of state application is approved by the Committee, the referral will be forwarded to the appropriate entity to complete the evaluation and will be processed as indicated on the flowcharts below. The level two screening determinations will be entered into the DMH data base and communicated to COMRU who will then notify the sending state and/or individual.
- (7) If the out of state application is not approved by the Committee, designated staff from the Federal Programs Unit will notify COMRU that DMH declined to conduct a level two evaluation and the reason.

*This guideline will be reviewed and updated annually, if needed.*